

REMARKS

The Official Action mailed September 9, 2011 has been carefully considered. Reconsideration and allowance of the subject application, as amended, are respectfully requested.

Claim Amendments

In response to the claim objection under 35 U.S.C. § 112 raised in the outstanding Office Action, the Applicant has amended claims 7, 10, and 11 so as to replace the objected to wording “rotational axis” with “a rotational inner cylinder”. The basis for the amendments can be found as a rotational cylinder indicated by numeral reference 12 shown in for example original FIG. 1.

Claim Rejections - 35 U.S.C. § 112

Claims 7-11 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In response to the objection, the Applicant amended claims 7, 10, and 11 as discussed above. Accordingly, Applicant requests that the rejection under 35 U.S.C. § 112 may be withdrawn upon reconsideration.

Claim Rejections - 35 USC §103

Claims 7-11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Darrah (U.S. Pat. No. 1,501,527, hereinafter “Darrah”) in view of Perry et al. (U.S. Pat. No. 0,019,610, hereinafter “Perry”). Applicant respectfully requests reconsideration and withdrawal of this rejection in view of the following.

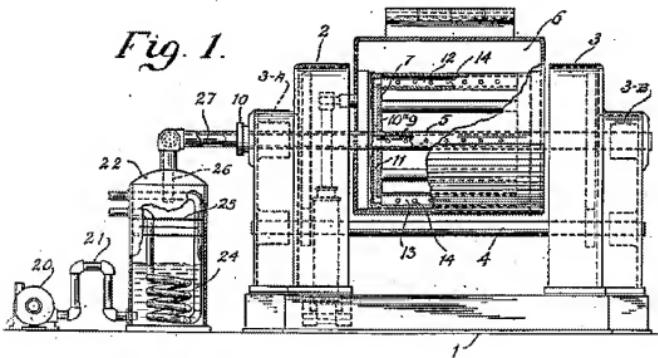
The mixer according to the currently amended independent claim 7 has the following features (1)-(5):

- (1) an outer cylinder into which the powder material is loaded,
- (2) a rotational inner cylinder which is located coaxially with the outer cylinder and discharges the liquid material while forming the liquid material to fine particles, and
- (3) a fin which has a rectangular shape and is disposed along an inner wall of the outer

cylinder;

- (4) the fin is independently revolvable around the rotational inner cylinder; and
- (5) the fin has side faces in a direction of revolution of the fin, each of which forms an inclined face such that a width of the fin becomes wider from an inner surface to an outer surface of the fin.

Darrah discloses, in Fig. 1, (shown below) a mixer bowl 6 in which a dough is placed, a main shaft 5 which is bored with a channel 9 through which air is forced, and a beater mechanism 7 carried on the main shaft 5. The air forced in the channel 9 is introduced into channels 10 and 11, and then finally reaches to beater arms 12 and 13. The beater arms 12 and 13 are each perforated as indicated by the numeral reference 14, and allow the air discharged into the mixer bowl 6 to mingle with the dough. Moreover, these explanation can be found in the description from column 1, line 41 to column 2, line 2, in Darrah.

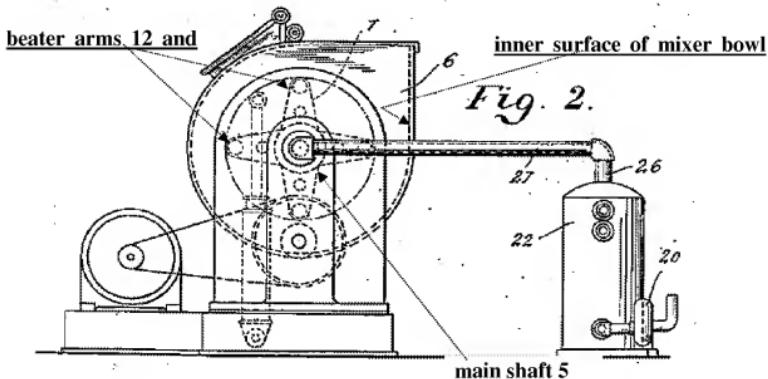


The mixer according to the currently amended claim 7 of the present application differs at least in the following points:

- (i) the abovementioned feature (2) is not disclosed in Darrah because Darrah is silent about

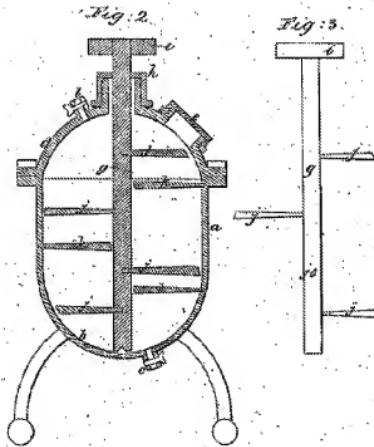
discharging liquid material into the mixer bowl 6 from the main shaft 5. In Darrah, air forced in the channel 9 is introduced into the beater arms 12 and 13; therefore, air is discharged from the beater arms 12 and 13 but not from the main shaft 5. That is, the main shaft 5 of Darrah does not discharge anything. To the that the Examiner may believe that the main shaft 5 shown in Fig. 1 looks like having some holes as same as the beater arms 12 and 13, the Applicant would like to clarify that the what is discharged into the mixer bowl 6 in Darrah is AIR, not LIQUID material. Accordingly, Applicant respectfully submits that Darrah does not teach or suggest the abovementioned feature (2), and thus cannot “discharges the liquid material while forming the liquid material to fine particles”.

- (ii) In addition, the abovementioned feature (3) is not disclosed in Darrah because Darrah is silent about “a fin which has a rectangular shape and is disposed along an inner wall of the outer cylinder”. Each of the beater arms 12 and 13 of Darrah has a pipe-shape as indicated in Fig. 2 (shown below), and is not rectangular-shape. Further, as shown in the same Fig. 2, the beater arms 12 and 13 of Darrah are located at about the *middle position* between the main shaft 5, and the inner surface of the mixer bowl 6. That is, Darrah does not disclose disposing the beater arms 12 and 13 along an inner wall of the mixer bowl 6. Accordingly, Applicant respectfully submits that Darrah does not teach or suggest the abovementioned feature (3) of the present invention.



- (iii) Finally, as the Examiner acknowledged in the Office Action, the abovementioned feature (5) is not disclosed in Darrah because Darrah is silent about "the fin has side faces in a direction of revolution of the fin, each of which forms an inclined face such that a width of the fin becomes wider from an inner surface to an outer surface of the fin". The Examiner stated that Perry discloses blades having side faces in a direction of the revolution thereof, and cures the defect in Darrah. The Applicant respectfully disagrees and requests reconsideration in view of the following comments. In particular, column 2, lines 1-6 of Perry describe that "the faces of the blades from the shaft outward oblique to the plane of motion so that thin under surfaces shall act on the dough to gradually force it downward toward the bottom of the vessel as the shaft rotate". It is not clear what the wording "the faces" in this description means; however, considering, with reference to Figs. 2 and 3 (shown below), the fact that the blades are used to force down the dough, Applicant submits that one of ordinary skill in the art would understand that "the faces" means *an upper surface and an under face, but not a side face*. In addition, the arrangements of the blades of Perry completely differ from those of the beater arms 12 and 13 of Darrah. As such, Applicant submit that it is not clear how and/or why one of ordinary skill in the art would combine these disclosures as suggested. Accordingly, Applicant respectfully submits that Perry does not teach or the

abovementioned feature (5), and therefore Perry cannot cure the defect in Darrah. Moreover, it should be noted that the beater arms 12 and 13 in Darrah are, as clearly indicated by their own name, used to BEAT the dough placed in the mixer bowl 6. This means that *the mixer disclosed in Darrah is equivalent to the conventional type mixers mentioned in the background art* of the original specification of the present application; therefore, the operations explained in section [0023] of the original specification of the present application cannot be obtained.



As explained above, since the currently amended claim 7 of the present application has the features which are neither disclosed nor suggested in the citations, and result in achieving the objects of the present application, Applicant respectfully submits that the rejection of the pending claims in view of Darrah and Perry may be withdrawn upon reconsideration.

In addition, claims 8 to 11 also have features which are neither disclosed nor suggested in the citations, and depend on the allowable claim 1; accordingly, the dependent claims 8 to 11 are also believed to be allowable.

For at least the foregoing reasons, Applicant respectfully submits that all the pending claims are in a proper condition for allowance and that all of the rejections of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper.

Having dealt with all the objections raised by the Examiner, it is respectfully submitted that the present application, as amended, is in condition for allowance. Thus, early allowance is earnestly solicited.

If the Examiner desires personal contact for further disposition of this case, the Examiner is invited to call the undersigned Attorney at 603.668.6560.

In the event there are any fees due, please charge them to our Deposit Account No. 50-2121.

Respectfully submitted,

By: */Paul J. Kroon, Jr./*
Paul J. Kroon, Jr.
Reg. No. 51,902